



DATE DOCUMENT NO.	Yr 86	Document No 00028	Def 23	MASTER DOCKET - MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT	PAGE <u>1</u> OF <u>1</u>	VI EXCLUDABLE DELAY				
						<table border="1"> <thead> <tr> <th>Start Date</th> <th>End Date</th> <th>In Code</th> <th>Total Days</th> </tr> </thead> </table>	Start Date	End Date	In Code	Total Days
Start Date	End Date	In Code	Total Days							
<p>(OPTIONAL) Show last names of defendants</p> <p><b>JOHN DOE</b></p> <p><b>MOTION TO SEAL INDICTMENT ORDER OF SEALING</b></p> <p>-Ordered sealed for 7 days unless time extended - Clerk unseal the indict. at 4 P.M. on 6/10/86. May unseal indictment to issue warrants for defts. and provide copies to U.S. Magistrates conducting I.A. and U.S. Atty. (McCotter, Mag.) -detention requested</p> <p><b>REQUEST FOR ISSUANCE OF WARRANT by U.S. Atty. ISSUED WARRANT FOR ARREST</b></p> <p>- detention recommended by U.S. Atty - origl. &amp; 1 cy. U.S. Marshal</p> <p>- 1c: Judge Britt, Mag. Dixon New BErn Div. Office</p> <p><b>MOTION FOR EXEMPLARS by Govern.</b></p> <p>- 1c: Mag. Dixon w/prop. Order</p> <p><b>ORDER</b></p> <p>that each deft. shall appear at the office of the U.S. Atty., Raleigh, N.C. during normal working hours upon a minimum of three (3) days notice. Further ORDERED that each deft. at that time shall provide an exemplar of his usual handwriting without distortion and major case prints. It is FURTHER ORDERED that the U.S. Atty. make available to each deft. the results of any tests, comparisons, etc. conducted as a result of securing the exemplars and prints. (Mag. Dixon) Cys. dist. to U.S. Atty. &amp; Deft's counsel per: Mag. Dixon. CR. O.B. #4, P. 299. jp</p> <p><b>SUPERSEDING INDICTMENT</b></p> <p><b>ORDER</b></p> <p>1c: Judge Britt, Mag. Dixon and New Bern Clerk's Office &amp; U.S. Atty. dismissing the original Indictment for the reason that a Superseding Indictment was filed on 7-8-86 - (Judge Britt) Cys. dist. CR. O.B. #4, P. 327.</p> <p><b>RECEIVED MAGISTRATE PAPERS-</b></p> <p>from S.Dist. of Texas; Appearance Bond in sum of \$75,000., deposited \$5,000., signed 7/2/86; Order of Release; Affidavit of Ownership of Security for appearance Bond., with travel restrictions; (Financial deputy does not have \$5,000.) sm</p> <p><b>RETURN ON WARRANT FOR ARREST-</b> Received &amp; Date of Arrest 6/30/86 Executed and signed by James Conway, FBI Arresting Officer- SDUSM by: Lela Lewis Ent. 7/31/86</p>										

LETTER CODES  
For identifying periods of excludable delay per 18 USC 3161(h) [See notes in brackets]

A. Exam or hearing for mental, physical condition (18 USC 3124-1)(h)(A)

B. NARA exam (18 USC 2804(h)(1)(B))

C. State Fed. Court proceedings on other charges (11)(D))

D. Interlocutory appeal (11)(E))

E. Trial motion (transferring to hearing or to other prompt disposition) (11)(F))

F. Transfer from other district per FRCrP 20.21 or 40.1. Rule 6(a) (1)(H)(G))

G. Proceedings under advisement not to exceed 30 days after all necessary submissions filed and hearing completed (11)(H))

H. Mag. proceedings assignment, parole, probation, revocation, deportation, extra steps (11)

I. Deferred or pre-sentencing (18 USC 2902.1 (1)(G))

J. Transportation from another district or to from examination or hospitalization a 10 days or less (11)(H))

K. Consideration by court of previous plea agreement (11)(D))

L. Suspension deferred by mutual agreement (11)

M. Unexcusable delay by defendant or essential witness (13)(A)(B))

N. Period of mental/physical incompetence of def. to stand trial (11)

O. Violation of NARA commitment (11)(G))

P. Supervising indictment and/or new charges (11)

R. Delay awaiting trial of co-defendant & no severance has been granted (11)

T. Court-ordered granted per 18 USC 3161(h)(1)(B)) if: 1) one of the following reasons (11)(B))  
2) 10% of time  
3) longer than 10%  
4) 180 days

U. Failure to prosecute would stop further proceedings or result in a mistrial or a new trial (11)(B)(c))

V. Case dismissed (18 USC 3161(h)(B)(c))

W. Indictment filed, trial set, 10 days (18 USC 3161(h)(1)(B))

X. Court-ordered granted to allow for substituted counsel or one responsible for preparing the defendant (18 USC 3161(h)(B)(c))

Y. Time up to which defendant is present (18 USC 3161(h)(1)(B)(c))

Z. Grace day, extension of time extended 30 days (18 USC 3161(h)(1)(B)(c))

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET U. S. vs

NICHOLS, Donald Taylor

86-28-23-Cr-4

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
8-8-86	<b>ISSUED NOTICE TO APPEAR</b> -now set for arraignment on Tuesday, August 19, 1986, at 10:30 A.M.... in New Bern N.C. before U.S. Magistrate 1c: U.S. Atty, & Mr. Gerson and Mr. Johnston				
8-22-86	<b>REQUEST FOR NOTICE OF ALIBI DEFENSE</b> -Pursuant to Rule 12.1, Federal Rules of Criminal Procedure the Gov't hereby request that each deft. listed in the request as provided in Rule 12.1(a), shall give prompt notice of alibi defense (1c J. Britt) Cert. of Serv. Attached Etn. 8-26-86				
8-21-86	<b>ISSUED NOTICE TO APPEAR</b>  <b>ORDER</b>	case set for Jury Trial on Monday, Sept. 8, 1986 at 9:00 a.m. in Fayetteville, N.C. before Judge Britt - 1c: U.S. Atty. 1c: Counsel of Record			
		- case is continued from 9/8/86 to 10/14/86 Session at Raleigh excludable under 18:3161(h)(8) (Britt, J) Cr. OB#4, P. 371 1c: U.S. Atty, U.S. P. O., U.S. Marshal, Mag. Dixon and Mr. Gerson	9-8-86	10-14-86	3/2
8-28-86	<b>ISSUED NOTICE TO APPEAR</b>	- set for status and pre-trial conference - Rule 17. 1 before Mag. Dixon on 9/18/86 at Raleigh at 10 A.M. in Courtroom No. 2. 1c: Mag. Dixon, U.S. Atty., U.S. P. O., U.S. Marshal, Joyce Todd, Court Reporter and Mr. Gerson			
8-19-86	<b>ARRAIGNMENT</b> - New Bern Plea of NG/J Bond executed in Texas continued Attorney advised to associate local counsel w/n 10 days.	- McCotter			
8-22-86	<b>PRE-TRIAL SCHEDULING ORDER</b>	- pre-trial conference by 9-8-86 - motion by 9/18/86 - responses by 9/29/86. (Dixon, Mag.) cys. distr.			
9/18/86	<b>STATUS CONFERENCE</b> held @ Raleigh; ct. reporter Donna Tomawski; ETT: 2 weeks; motion filing time extended to 9/25/86; Ct. will enter written ruling re pending motions; local counsel requirement waived by court				
9/24/86	<b>GOVERNMENT'S ANSWER TO DEFENDANT'S PRE-TRIAL MOTIONS</b> - by the U. S. Atty's Office; cs attached; cy to Mag. Dixon				
9-22-86	<b>DEFT'S MOTION FOR EARLY DISCLOSURE OF JENCKS ACT MATERIAL</b> - w/cs 1c: Judge Britt <b>DEFT'S MOTION FOR PRODUCTION OF INFORMATION FAVORABLE TO THE DEFENSE</b> - w/cs 1c: Judge Britt <b>DEFT'S MOTION TO EXCLUDE HEARSAY</b> - w/cs 1c: Judge Britt				

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
9-22-86	<p><b>DEFT'S MOTION FOR INFORMATION REGARDING PRIOR OR SUBSEQUENT BAD ACTS</b> - w/cs 1c: Judge Britt</p> <p><b>DEFT'S MOTION TO INCORPORATE AND ADOPT MOTIONS OF CO-DEFENDANTS</b> w/cs - 1c: Judge Britt</p> <p><b>DEFT'S MOTION IN LIMINE</b> - w/cs - 1c: Judge Britt</p> <p><b>DEFT'S MOTION FOR PRODUCTION AND DISCOVERY OF EVIDENCE</b>-w/cs - 1c: Judge Britt</p> <p><b>DEFT'S MOTION IN LIMINE</b>(re: \$49,750.00 and weapon) - w/cs - 1c: Judge Britt</p> <p><b>DEFT'S MOTION TO SUPPRESS EVIDENCE</b> - w/cs - 1c: Judge Britt (ORIGINAL ORDERS SENT WITH THE MOTIONS TO JUDGE BRITT)</p>				
9/26/86	<p><b>REPORT ON HEARING AND ORDER</b>-the government is <b>ORDERED</b> to provide the defendants with Rule 16(a)(1)(A) statements; with Rule 16(a)(1)(B) prior criminal records; with Rule 16(a)(1)(C) documents and tangible objects; and, with Rule 16(a)(1)(D) reports of examinations and tests. The government is <b>ORDERED</b> to forthwith disclose or produce any evidence which tends to establish any defendant's innocence, to mitigate punishment, or to impeach, discredit or contradict the testimony of any witness whom the government anticipates calling at trial. The government is <b>ORDERED</b> to disclose Jencks material on the Friday before the first Monday of the term at which this case is scheduled for jury selection and trial; the government is <b>ORDERED</b> to disclose the existence of electronic surveillance in its investigation leading to this indictment, the existence of any informants in the case, and the existence of agreements not to prosecute or to recommend leniency in exchange for testimony. The government is <b>ORDERED</b> to disclose to any defendant the evidence it intends to use to establish that defendant's participation in other crimes, wrongs, or acts to show motive, opportunity, intent, preparation, et cetera, even if those other acts are outside the indicted charges; motion to retain rough notes is <b>ALLOWED</b> in the absence of any opposition; government is <b>ORDERED</b> to disclose evidence arguably subject to suppression; the motion for a pre-trial hearing on the admissibility of co-conspirators' statements is <b>DENIED</b>; motion for pre-trial disclosure of non-witness interview, prospective witness interviews or reports, memoranda, or other internal documents in connection with the investigation or prosecution of this case is <b>DENIED</b>; motion for pre-trial disclosure of grand jury material is <b>DENIED</b>; parties are <b>ORDERED</b> to exchange witness lists on October; otherwise the motion for pre-trial disclosure of witnesses' identity is <b>DENIED</b>; suppression motions are <b>MOOT</b> and are <b>DENIED</b>; defendants' time for filing motions was extended to Sept. 25; gov't is to respond no later than Wed., Oct. 1, 1986;</p>				

## UNITED STATES DISTRICT COURT

## CRIMINAL DOCKET

U. S. vs

NICHOL<sup>s</sup>, Donald Taylor

86-28-23-CR-4

Yr.	Docket No.	Def.
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DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)		(a)	(b)	(c)	(d)
9/29/86	ISSUED ORDER TO APPEAR - Deft. to appear for Jury trial on Tuesday, 10/14/86 at 9:00 A. M... AT RALEIGH, N. C..					
10/2/86	1c: counsel of record Hearing on motions to suppress & motion in limine set for Thursday, 10/9/86 at 9:00 A. M. before Judge Britt Courtroom #2 - Raleigh, N. C. 1c: U. S. Atty. Mr. Gerson; Ms. Todd; Court reporter & Judge Britt	ag				
10/3/86	ORDER-the defendants Steven Michael Kalish, Phillip Ernest Watkins and Donald T. Nichols are to be guided by the Court's order of Sept. 26, 1986 in respect to discovery and disclosure obligations and any appeal options either the defendants or the government may be advised to pursue; DIXON, W.W., U.S. MAG.; CR OB #5 p. 7, cc dist; cy to Judge Britt ENT: Oct. 3, 1986					
10/7/86	MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS EVIDENCE by U. S. Atty. 1c: Judge Britt					
10/8/86	WITHDRAWAL OF MOTION TO SUPPRESS - hearing to be held on Thursday, 10/9/86 at 9:00 A. M. before Judge Britt in Courtroom #2 - Raleigh, N. C. 1c: U. S. Atty. McCullough & Judge Britt also advised U. S. Marshal & Joyce Todd					
10-27-86	MOTION TO WITHDRAW AS COUNSEL - w/cs U.S. Atty., 1c Judge Britt with Proposed order					
10/16/86	Instanter warrant issued - deft. called & failed - Deft. to be held w/out privilege of bond Date set for trial 12/8/86 Raleigh					
11-4-86	ORDER The motion of Dan B. Gerson for permission to withdraw as counsel of record for the deft. is allowed. Judge Britt, CR OB # 5, p 51 cys. to U.S. Atty, Mr. Gerson, Probation (ent. 11-4-86) ms					
	MOTION FOR FORFEITURE OF APPEARANCE BOND 1c Judge Britt with proposed order					
12-9-86	ORDER Upon due consideration of the plaintiff's motion for forfeiture of appearance bond it is ordered that the above named defendant's appearance bond in the sum of \$75,000 be and the same is hereby forfeited. Judge Britt CR OB # 5, p 91 cys. dist. (ent. 12-9-86) ms <i>copy to U.S. Atty. and Probation Office, see below</i>					
12-11-86	MOTION FOR JUDGMENT ON APPEARANCE BOND - cys to U.S. Atty., original order to Judge Britt w/copy					

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
12/15/86	ORDER - ordered said principal and sureties personally appear before the Honorable Court at Courtroom 2-7th floor, Raleigh, N. C. on 1/5/87 at 2:30 P. M. to show cause if any why judgment on bond forfeiture should not be entered against them. served: Donald T. Nichols; Rayna King; Forest Reed; Dan B. Gerson; A. R. Johnson & U. S. Atty.				
12/31/86	MOTION TO CONTINUE from 1/5/86 at Raleigh before Judge Britt				
12/31/86	ORDER - motion to continue hearing scheduled for 1/5/87 at 2:30 P. M. is continued until rescheduled by court (W. EAr1 Britt ) (Called Tom Swaim this date and advised - per Sharon Hartmon - U. S. Atty's office to get in touch with all necessary parties				
1/15/87	ISSUED NOTICE TO APPEAR - for Hearing on bond forfeiture to be held on Monday, 2/9/87 at 2:00 P. M. before Judge Britt lc: U. S. Atty.; Dan B. Gerson; Rayna King; Forest Reed; & A. R. Johnson				
2/9/87	RESPONSE TO GOVERNMENT'S MOTION FOR JUDGMENT ON APPEARANCE BOND by A. R. Johnston, pro se				
2/9/87	Hearing at Raleigh, N. C. on motion for bond forfeiture bond forfeited - C. R. Jo Bush \$75,000.00 ( ea. surety to pay \$25,000.00) sureties served: A. R. Johnston, Rayna King & Forest Reed				
2-19- 87	JUDGMENT ON BOND FORFEITURE - It is hereby ordered, adjudged, and decreed that judgment be entered against Forest Reed who shall be severably liable for \$25,000 credit being to given to him for his \$2,000 deposit and against Rayna King who shall be severably liable for \$25,000 of the \$75,000 bond, pursuant to 18 U.S.C., § 3146(d). Both surety A.R. Johnson and U.S. Attorney are directed to submit briefs on the issue of whether or not the automatic stay afforded by 11 U.S.C., § 362 prevents entry of judgment against A.R. Johnson by March 11, 1987, whereupon this judgment shall be amended regarding A.R. Johnson, Judge Britt, CR OB # 5, p 157 lc U.S. Atty., lc Mr. Johnson, lc Rayna King, and Forest Reed. (ent. 2-24-87) Judge Britt ms				
9-29-86 **	DEFENDANT'S - REQUESTED JURY INSTRUCTIONS - REQUEST FOR SPECIFIC VOIR DIRE QUESTIONS TO THE JURY cys. to Judge Britt.				
3-10-87	BRIEF: IN RE AUTOMATIC STAY OF 11 U.S.C. §362 - w/exhibits attached. lc: Judge Britt				
3-11-87	SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF BOND FORFEITURE by Govern. w/cs. lc: Judge Britt				

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs NICHOLS, Donald Taylor

86-28-23-CR-4

AO 256A \*

Yr. Docket No. Def.

DATE (Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
3/13/87	ORDER - motion of plaintiff for judgment as to surety, A. R. Johnson, is denied (W. Earl Britt, Judge CR OB #3 P166) cys. dist. 3/13/87) (ent. 3/13/87) 1 cert cy. U. S. Atty. Johnson; RaynaKing & Forest Reed		R.		
12-20-88	TRANSCRIPT of Bond Forfeiture Hearing before the Honorable W. Earl Britt at Raleigh on Monday, February 9, 1987 Volume 1 of 1 - Pages 1 through 15 - C.R. Jo Bush	jp			
6/27/89	MARSHALS RETURN ON WARRANT FOR ARREST OF DEFENDANT - executed 6/8/89 in ED Texas and transported to W. D. La. by U. S. Marshals office - deft. to be tried in La. first - Judy Weinbrenner to check proper procedure w/someone in authority in her office		ag		
7/12/89	Deft. arrested on instanter warrant - taken by Marshals - Western District of La. Deft. has <del>been</del> absconded for over 21 days - when deft. arrives back in this district - he is to receive another 70 days.		ag		
9/28/89	CONSENT TO TRANSFER CASE FOR PLEA AND SENTENCE under Rule 20 to WD/Louisiana, Lafayette Division; cc to AUSA/EDNC, 2 cc ret'd to WD/La				
"	MEMORANDUM rec'd requesting transfer of record to WD/La pursuant to Rule 20				
9/29/89	Certified copy of entire record forwarded to WD/La along w/JS-3 closing card & docket entries	bb			

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

AO 256A

DATE (Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)